

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 8, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
SJR 2006	S-5126	Lost	TONY BISIGNANO
SJR 2006	S-5132	Lost	TOD R. BOWMAN
SF 2101	S-5125	Adopted	JAKE CHAPMAN
SF 2276	S-5128	Filed	MATT McCOY
SF 2276	S-5130	Filed	MATT McCOY
SF 2276	S-5131	Filed	MATT McCOY
SF 2324	S-5122	Adopted	WAYLON BROWN
SF 2355	S-5121	Adopted	RANDY FEENSTRA
SF 2355	S-5127	Lost	MATT McCOY
SF 2362	S-5123	Adopted	TIM KRAAYENBRINK
SF 2365	S-5124	Adopted	DAN DAWSON
HF 2440	S-5129	Filed	DAVID JOHNSON

Fiscal Notes

[SF 2152](#) — [Enterprise Zone Housing Tax Credit](#) (LSB5450XS)

[HF 2446](#) — [Utilities Board, Statutory Changes](#) (LSB5328HV)

SENATE JOINT RESOLUTION 2006

S-5126

1 Amend the amendment, S-5120, to Senate Joint Resolution 2006
2 as follows:
3 1. Page 2, line 2, after <appointment> by inserting <,
4 subject to confirmation by a two-thirds vote of all the members
5 of the general assembly>

By TONY BISIGNANO

S-5126 FILED MARCH 7, 2018

LOST

SENATE JOINT RESOLUTION 2006

S-5132

1 Amend the amendment, S-5120, to Senate Joint Resolution 2006
2 as follows:

3 1. Page 2, line 2, after <appointment> by inserting <,
4 subject to confirmation by a simple majority vote of the
5 members of each house of the general assembly>

By TOD R. BOWMAN

S-5132 FILED MARCH 7, 2018

LOST

SENATE FILE 2101

S-5125

1 Amend Senate File 2101 as follows:

2 1. Page 1, lines 14 through 16, by striking <The bottom of
3 the cap or mark must be no less than three feet and no more than
4 five feet, six inches above the ground.>

5 2. Page 1, line 17, by striking <thirty-six> and inserting
6 <one hundred>

7 3. Page 1, by striking line 22 and inserting <possession, an
8 owner, lessee, or other person in lawful>

9 4. Page 1, by striking lines 29 through 31 and inserting
10 <doing so would violate any applicable law.>

By JAKE CHAPMAN

S-5125 FILED MARCH 7, 2018

ADOPTED

SENATE FILE 2276

S-5128

- 1 Amend Senate File 2276 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. Section 232.70, Code 2018, is amended by adding
- 4 the following new subsection:
- 5 NEW SUBSECTION. 6A. A report made by a mandatory reporter
- 6 who is an employee of a public or nonpublic school shall be
- 7 weighted as of more importance than other reports made by other
- 8 mandatory reporters. Within twenty-four hours of receiving
- 9 a report from an employee of a public or nonpublic school,
- 10 the department shall inform the employee, orally or by other
- 11 appropriate means, whether or not the department has commenced
- 12 an assessment of the allegation in the report.>
- 13 2. Page 1, line 3, after <district> by inserting <and the
- 14 authorities in charge of each nonpublic school>
- 15 3. Page 1, line 7, after <services.> by inserting <The
- 16 sign shall include information regarding the importance given
- 17 to reports made by mandatory reporters who are employees of a
- 18 public school district or nonpublic school, pursuant to section
- 19 232.70.>
- 20 4. By renumbering as necessary.

By MATT McCOY

S-5128 FILED MARCH 7, 2018

SENATE FILE 2276

S-5130

- 1 Amend Senate File 2276 as follows:
- 2 1. Page 1, line 3, after <district> by inserting <and the
- 3 authorities in charge of each nonpublic school>

By MATT McCOY

S-5130 FILED MARCH 7, 2018

SENATE FILE 2276

S-5131

- 1 Amend Senate File 2276 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. Section 232.70, Code 2018, is amended by adding
- 4 the following new subsection:
- 5 NEW SUBSECTION. 6A. A report made by a mandatory reporter
- 6 shall be weighted as of more importance than other reports.
- 7 Within twenty-four hours of receiving a report from a reporter,
- 8 the department shall inform the reporter, orally or by other
- 9 appropriate means, whether or not the department has commenced
- 10 an assessment of the allegation in the report.>
- 11 2. Page 1, line 7, after <services.> by inserting <The sign
- 12 shall include information regarding the importance given to
- 13 reports made by mandatory reporters.>
- 14 3. By renumbering as necessary.

By MATT McCOY

S-5131 FILED MARCH 7, 2018

SENATE FILE 2324

S-5122

1 Amend Senate File 2324 as follows:

2 1. Page 1, line 3, after <3.> by inserting <a.>

3 2. Page 1, line 8, by striking <buses.> and inserting <buses
4 if such a pickup does not carry more passengers than there are
5 safety belts or safety harnesses in the pickup as installed by
6 the manufacturer and if such a pickup is not operated while any
7 passenger is present in the bed of the pickup. The operator
8 of a pickup used as a school bus pursuant to such rules shall
9 comply with the qualification, licensing, and instruction
10 requirements set forth in sections 321.375 and 321.376, other
11 than the requirement to obtain a commercial driver's license.
12 However, the rules shall allow the board of directors of a
13 school district to prohibit the use of pickups as school buses
14 by the school district.>

15 3. Page 1, after line 8 by inserting:

16 <b. The rules prescribed for school buses shall allow
17 passenger vans designed to carry twelve or fewer passengers,
18 including the driver, and weighing ten thousand pounds or less,
19 to be used as school buses if such a van does not carry more
20 passengers than there are safety belts or safety harnesses in
21 the van as installed by the manufacturer. The operator of a
22 van used as a school bus pursuant to such rules shall comply
23 with the qualification, licensing, and instruction requirements
24 set forth in sections 321.375 and 321.376.>

25 4. Title page, line 1, after <allowing> by inserting
26 <certain vans and>

By WAYLON BROWN

S-5122 FILED MARCH 7, 2018

ADOPTED

SENATE FILE 2355

S-5121

- 1 Amend Senate File 2355 as follows:
- 2 1. Page 1, by striking lines 1 through 10 and inserting:
- 3 <Sec. ____ . AUDIT, ACCOUNTING, AND APPRAISAL OF IOWA
- 4 COMMUNICATIONS NETWORK.
- 5 1. The state auditor or an independent third party selected
- 6 by the state auditor shall conduct a comprehensive audit and
- 7 accounting of the Iowa communications network to include the
- 8 following>
- 9 2. Page 1, line 12, by striking <(1)> and inserting <a.>
- 10 3. Page 1, line 17, by striking <(2)> and inserting <b.>
- 11 4. Page 1, by striking lines 24 and 25 and inserting:
- 12 <c. Information identifying and quantifying the amounts
- 13 billed for services performed by the network to current
- 14 authorized users.>
- 15 5. Page 1, line 26, by striking <(4)> and inserting <d.>
- 16 6. Page 1, after line 27 by inserting:
- 17 <e. Information identifying the duration, terms, and
- 18 conditions of all third-party contracts and leases entered into
- 19 by the network, including but not limited to any obligations
- 20 of the state that may survive a sale, lease, or transfer of any
- 21 network assets or services.>
- 22 7. Page 1, by striking lines 28 through 30 and inserting:
- 23 <2. Following the completion of the comprehensive audit
- 24 and accounting required pursuant to subsection 1, the Iowa
- 25 telecommunications and technology commission shall select an
- 26 independent appraisal firm to conduct an appraisal of the
- 27 network and>
- 28 8. Page 1, line 35, by striking <c.> and inserting <3.>
- 29 9. Page 2, line 1, by striking <subsection> and inserting
- 30 <section>
- 31 10. Page 2, by striking lines 4 through 34 and inserting:
- 32 <4. The audit, accounting, and appraisal of the network
- 33 conducted pursuant to this section shall be completed no later
- 34 than December 21, 2018.>
- 35 11. Title page, by striking line 1 and inserting <An Act

S-5121 (Continued)

1 providing for an audit, accounting, and appraisal of the Iowa>

By RANDY FEENSTRA

S-5121 FILED MARCH 7, 2018

ADOPTED

SENATE FILE 2355

S-5127

1 Amend the amendment, S-5121, to Senate File 2355 as follows:
2 1. Page 1, by striking lines 5 and 6 and inserting:
3 <1. The executive council shall select an independent third
4 party to conduct a comprehensive audit and>
5 2. Page 1, by striking lines 32 through 34 and inserting:
6 <4. *a.* The comprehensive audit and accounting of the
7 network conducted pursuant to subsection 1 shall be completed
8 no later than September 1, 2018, and the results of such audit
9 and accounting shall be submitted to the executive council and
10 general assembly no later than September 1, 2018.
11 *b.* The appraisal of the network conducted pursuant to
12 subsection 2 shall be completed no later than December 21,
13 2018.>

By MATT McCOY

S-5127 FILED MARCH 7, 2018

LOST

SENATE FILE 2362

S-5123

- 1 Amend Senate File 2362 as follows:
- 2 1. Page 1, line 6, after <internet.> by inserting <The
- 3 community college shall consider opportunities to mitigate the
- 4 marginal costs of new editions of existing textbooks.>
- 5 2. Page 1, line 27, after <internet.> by inserting <The
- 6 institution shall consider opportunities to mitigate the
- 7 marginal costs of new editions of existing textbooks.>
- 8 3. Page 2, line 3, after <resources.> by inserting
- 9 <In developing the plan, the institution shall consider
- 10 opportunities to mitigate the marginal costs of new editions
- 11 of existing textbooks.>

By TIM KRAAYENBRINK

S-5123 FILED MARCH 7, 2018

ADOPTED

SENATE FILE 2365

S-5124

1 Amend Senate File 2365 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. **216.8B Assistance animals and**
5 **service animals in housing — penalty.**

6 1. For purposes of this section, unless the context
7 otherwise requires:

8 *a. "Assistance animal"* means an animal that qualifies as a
9 reasonable accommodation under the federal Fair Housing Act, 42
10 U.S.C. §3601 et seq., as amended, or section 504 of the federal
11 Rehabilitation Act of 1973, 29 U.S.C. §794, as amended.

12 *b. "Service animal"* means a dog or miniature horse as set
13 forth in the implementing regulations of Title II and Title
14 III of the federal Americans with Disabilities Act of 1990, 42
15 U.S.C. §12101 et seq.

16 2. A landlord shall waive lease restrictions and additional
17 payments normally required for pets on the keeping of animals
18 for the assistance animal or service animal of a person with
19 a disability.

20 3. A tenant is liable for damage done to any dwelling by an
21 assistance animal or service animal.

22 4. A person who knowingly denies or interferes with the
23 right of a person with a disability under this section is, upon
24 conviction, guilty of a simple misdemeanor.

25 Sec. 2. NEW SECTION. **216.8C Finding of disability and need**
26 **for an assistance animal or service animal in housing.**

27 1. A licensee under chapter 148, 148C, 152, 154B, 154C,
28 or 154D whose assistance is requested by a patient or client
29 seeking a finding that an assistance animal or service animal
30 as defined in section 216.8B, subsection 1, is a reasonable
31 accommodation in housing shall make a written finding regarding
32 whether the patient or client has a disability and, if a
33 disability is found, a separate written finding regarding
34 whether the need for an assistance animal or service animal is
35 related to the disability.

1 2. A licensee under chapter 148, 148C, 152, 154B, 154C, or
2 154D shall not make a finding under subsection 1 unless all of
3 the following circumstances are present:

4 a. The licensee has met with the patient or client in person
5 or by telemedicine.

6 b. The licensee is sufficiently familiar with the patient
7 or client and the disability.

8 c. The licensee is legally and professionally qualified to
9 make the finding.

10 3. The commission, in consultation with the consumer
11 protection division of the office of the attorney general,
12 shall adopt rules regarding the making of a written finding
13 by licensees under this section. The rules shall include a
14 form for licensees to document the licensees' written finding.
15 The form shall recite this section's requirements and comply
16 with the federal Fair Housing Act, 42 U.S.C. §3601 et seq.,
17 as amended, and section 504 of the federal Rehabilitation Act
18 of 1973, 29 U.S.C. §794, as amended. The form shall ask only
19 two questions regarding the qualifications of the patient or
20 client. The form shall ask whether a person has a disability
21 and whether the need for an assistance animal or service animal
22 is related to the disability. The form shall indicate that the
23 responses must be limited to "yes" or "no". The form shall not
24 allow for additional detail.

25 4. A person who, in the course of employment, is asked to
26 make a finding of disability and disability-related need for
27 an assistance animal or service animal shall utilize the form
28 created by the commission to document the person's written
29 finding.

30 5. A landlord may deny a request for an exception to a
31 pet policy if a person, who doesn't have a readily apparent
32 disability, or a disability known to the landlord, fails
33 to provide documentation indicating that the person has a
34 disability and the person has a disability-related need for an
35 assistance animal or service animal.

1 6. This section does not limit the means by which a person
2 with a disability may demonstrate, pursuant to state or federal
3 law, that the person has a disability or that the person has
4 a disability-related need for an assistance animal or service
5 animal.

6 Sec. 3. Section 216C.11, Code 2018, is amended to read as
7 follows:

8 **216C.11 ~~Service dogs and assistive animals~~ Service animals**
9 **and service-animals-in-training — penalty.**

10 1. For purposes of this section, unless context otherwise
11 requires:

12 a. "Disability" means the physical or mental condition of
13 a person which constitutes a substantial disability, and the
14 condition of a person with a positive human immunodeficiency
15 virus test result, a diagnosis of acquired immune deficiency
16 syndrome, a diagnosis of acquired immune deficiency
17 syndrome-related complex, or any other condition related to
18 acquired immune deficiency syndrome. The inclusion of a
19 condition related to a positive human immunodeficiency virus
20 test result in the meaning of "disability" under the provisions
21 of this section does not preclude the application of the
22 provisions of this section to conditions resulting from other
23 contagious or infectious diseases.

24 b. "~~service dog~~" means a dog specially trained to assist a
25 person with a disability, whether described as a service dog,
26 a support dog, an independence dog, or otherwise. "~~Assistive~~
27 animal" means a simian or other animal specially trained or
28 in the process of being trained to assist a person with a
29 disability. "Service animal" means a dog or miniature horse as
30 set forth in the implementing regulations of Title II and Title
31 III of the federal Americans with Disabilities Act of 1990, 42
32 U.S.C. §12101 et seq.

33 2. A person with a disability, a person assisting a
34 person with a disability by controlling a ~~service dog~~ or an
35 ~~assistive animal~~ animal or a service-animal-in-training, or

1 a person training a service ~~dog or an assistive~~ animal has
2 the right to be accompanied by a service ~~dog or an assistive~~
3 animal, under control, in any of the places listed in sections
4 216C.3 and 216C.4 without being required to make additional
5 payment for the service ~~dog or assistive animal~~ animal or
6 service-animal-in-training. A ~~landlord shall waive lease~~
7 ~~restrictions on the keeping of animals for the service dog or~~
8 ~~assistive animal of a person with a disability. The person is~~
9 ~~liable for damage done to any premises or facility by a service~~
10 ~~dog or assistive animal.~~

11 3. A person who knowingly denies or interferes with the
12 right of a person under this section is, upon conviction,
13 guilty of a simple misdemeanor.

14 4. a. A person who intentionally misrepresents an animal
15 as a service animal or a service-animal-in-training is, upon
16 conviction, guilty of a simple misdemeanor.

17 b. A person commits the offense of intentional
18 misrepresentation of an animal as a service animal or a
19 service-animal-in-training, if all of the following elements
20 are established:

21 (1) For the purpose of obtaining any of the rights or
22 privileges set forth in state or federal law, the person
23 intentionally misrepresents an animal in one's possession
24 as one's service animal or service-animal-in-training
25 or a person with a disability's service animal or
26 service-animal-in-training whom the person is assisting by
27 controlling.

28 (2) The person was previously given a written or
29 verbal warning regarding the fact that it is illegal to
30 intentionally misrepresent an animal as a service animal or a
31 service-animal-in-training.

32 (3) The person knows that the animal in question is not a
33 service animal or a service-animal-in-training.

34 Sec. 4. EMERGENCY RULES. The Iowa civil rights commission
35 may adopt emergency rules under section 17A.4, subsection 3,

S-5124 (Continued)

1 and section 17A.5, subsection 2, paragraph "b", to implement
2 the section of this Act enacting section 216.8C and the rules
3 shall be effective immediately upon filing. Any rules adopted
4 in accordance with this section shall also be published as a
5 notice of intended action as provided in section 17A.4.

6 Sec. 5. APPLICABILITY. The section of this Act enacting
7 section 216.8C applies once rules are adopted. Prior to the
8 adoption of the rules and creation of a licensee's written
9 finding form, a tenant seeking an assistance animal or a
10 service animal as a reasonable accommodation in housing
11 shall otherwise demonstrate pursuant to state or federal law
12 that the person has a disability and that the person has a
13 disability-related need for an assistance animal or service
14 animal.>

15 2. Title page, by striking lines 1 through 6 and inserting
16 <An Act relating to assistance animals and service animals in
17 housing and misrepresentation of an animal as a service animal
18 or a service-animal-in-training and providing penalties and
19 including applicability provisions.>

By DAN DAWSON

S-5124 FILED MARCH 7, 2018

ADOPTED

HOUSE FILE 2440

S-5129

1 Amend House File 2440, as passed by the House, as follows:
2 1. Page 5, by striking lines 31 and 32 and inserting
3 <recommendations to the general assembly not later than
4 December 14, 2018, for consideration during the ~~2018~~ 2019
5 legislative session.>

By DAVID JOHNSON

S-5129 FILED MARCH 7, 2018



SF 2152 – Enterprise Zone Housing Tax Credit (LSB5450XS)
Analyst: Jeff Robinson (515.281.4614) jeff.robinson@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 2152](#) allows housing enterprise tax zone credits meeting specific criteria to be transferred to another taxpayer. The change is retroactive to May 30, 2014.

Background

Under provisions of previous law governing tax credits issued under the former Housing Enterprise Zone Program, tax credits could be transferable if specified conditions were met. One specification to allow credits to be transferred required the Iowa Economic Development Authority (IEDA) to be notified, by June 30, 2014, that the housing project was located within a blighted and/or brownfield area and that the tax credits would be transferred upon project completion. These tax credits are not refundable.

The provisions of the Bill will establish conditions where a holder or holders of these tax credits will be allowed to transfer credits that do not meet the current transferability requirements.

Working with the IEDA, the Department of Revenue estimates that existing tax credits with a value of \$457,000 will become transferable under the provisions of the Bill.

Assumptions

Tax credits that are not transferrable or refundable do have value to the current holder, if the current holder has sufficient Iowa income tax liability to benefit from the credits over the course of seven tax years. It is assumed that the current holder of the tax credits does not have sufficient Iowa tax liability to utilize the credits currently held.

Transferred tax credits under this program typically take three tax years to be fully redeemed. The average tax credit redemption pattern of transferred housing tax credits is:

- First tax year = 46.0%
- Second tax year = 46.0%
- Third tax year = 8.0%

The first redemption tax year for the tax credits in question is assumed to be tax year 2018, with the first State General Fund impact of the redemption occurring in FY 2019.

Fiscal Impact

The tax credit change contained in the Bill is projected to reduce net General Fund revenue by the following amounts:

- FY 2019 = \$210,000
- FY 2020 = \$210,000
- FY 2021 = \$37,000

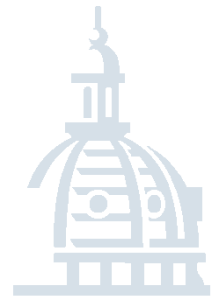
Sources

Iowa Department of Revenue
Iowa Economic Development Authority

/s/ Holly M. Lyons

March 7, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2446 – Utilities Board, Statutory Changes (LSB5328HV)
Analyst: Angel Banks-Adams (515.281.6301) angel.banks-adams@legis.iowa.gov
Fiscal Note Version – As Amended and Passed By the House

Description

[House File 2446](#) makes the following changes:

- Appoints a Chief Operating Officer, instead of an Executive Secretary, to manage the operations of the Iowa Utilities Board.
- Gives the Iowa Utilities Board the authority to allocate and charge fees that are attributable to its duties to a person subject to inspection by the Board.
- Requires telecommunications service providers offering communications service telephone numbers to retail customers to register annually with the Iowa Utilities Board. In the event that providers fail to comply, a civil penalty will be assessed. This change gives the Board the authority to charge a fee that would be set by Board rule.
- Authorizes the Board to charge all telecommunications carrier types a uniform monthly rate of \$0.03 per line.
- Repeals the established intrastate pipeline inspection fee of \$0.50 for each mile of natural gas pipeline and directs the Board to charge pipeline companies with annual inspection fees directly attributable to the costs of conducting inspections.

Background

Dual Party Relay Service

The Dual Party Relay Service (DPRS) Fund is used for the Iowa telecommunications relay service and the Equipment Distribution Program. All telecommunications carriers are required to contribute to the Fund. Under current law, the DPRS assessment program charges wireless telecommunications carriers \$0.03 per line per month. All other carrier types, including wireline and alternative operator service providers, are charged varying amounts.

Intrastate Pipeline Inspection Fee

Under [199 IAC 10](#), the Iowa Utilities Board's jurisdiction includes the inspection of intrastate natural gas pipelines on behalf of the federal Department of Transportation's Pipeline and Hazardous Materials Safety Administration. The Board has the authority to charge pipeline companies an annual inspection fee directly attributable to the costs of conducting the annual inspections.

The Bill also prohibits a local exchange telecommunications carrier from imposing restrictions on the resale of local exchange services, functions, or capabilities. The Board is given the authority to prohibit residential service from being resold as a different class of service.

Assumptions

- The current intrastate pipeline inspection fee of \$0.50 for each mile of natural gas pipeline will be waived or reduced by an amount that is undetermined at this time.
- The Board will charge all telecommunications carriers a uniform monthly rate of \$0.03 for each line.

Fiscal Impact

The fiscal impact of [HF 2446](#) to the Commerce Revolving Fund is a reduction of approximately \$65,000 due to the repeal of the intrastate pipeline inspection fee.

The fiscal impact of assessing all telecommunications carriers a uniform monthly rate of \$0.03 for each line is estimated to yield an increase of \$200,000 in contributions from telecommunications carriers to the DPRS Fund. Fee revenue will be used to cover program expenses.

Sources

Iowa Utilities Board
State Accounting System data

/s/ Holly M. Lyons

March 7, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
